

Appl. No. : 10/692,226
Filed : October 23, 2003

REMARKS

In response to the Office Action mailed February 3, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 47-54 and 57-75 remain pending. Claims 64 and 66-68 have been amended. No claims have been canceled or added by this amendment.

In the changes made by the current amendment, ~~deletions are shown by strikethrough, and additions are underlined.~~

The Terminal Disclaimer Filed December 28, 2004 Obviates Double Patenting Rejection

Claims 47-49, 51-53 and 57-75 presently stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-19, 23-31 and 35-38 of U.S. Patent No. 6,669,218. Applicants note that the Terminal Disclaimer filed December 28, 2004 in the present application disclaimed the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of Patent No. 6,669,218, with certain exceptions delineated therein. The Terminal Disclaimer also states that any patent granted on the present application is only enforceable so long as it and the '218 patent are commonly owned. Thus, Applicants respectfully request reconsideration and withdrawal of the present double patenting rejection.

Claims 64, 65, 70 and 71 Are Allowable Over Bezin

Claims 64, 65, 70 and 71 presently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,039,470 to Bezin et al. Applicants respectfully submit that Claims 64, 65, 70 and 71, as amended, are allowable over Bezin and request reconsideration and allowance of the same.

In the outstanding Office Action, the Examiner takes the position that the Bezin reference discloses a front fork assembly including a pair of hollow, tubular legs defining cavities that extend in a direction generally perpendicular to a lengthwise direction of the legs. The Examiner also takes the position that a vibration damping/visco-elastomeric member is positioned within the cavities.

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Applicants respectfully disagree. The "cavities" of the Bezin reference as applied by the Examiner are the hollow, interior space of each fork leg and, thus, would be understood by one of skill in the art to extend in a direction parallel to the lengthwise direction of the fork legs. The Bezin reference does not disclose or suggest a bicycle fork with fork legs that have cavities extending in a generally perpendicular direction relative to the lengthwise direction of the fork legs, as claimed.

Furthermore, the vibration damping/visco-elastomeric members of the Bezin reference as applied by the Examiner are the flexible foam cores 22 used in the manufacturing of the Bezin fork. The Bezin reference discloses that the flexible foam cores consist of a syntactic foam, which is a resin filled with glass beads that is initially flexible but hardens into a rigid plastic body after heating. *See* Column 5, lines 9-14. The Bezin reference does not disclose that such a material is either vibration damping or visco-elastomeric and the Examiner has provided no support for this position.

Nonetheless, in order to expedite allowance of the present application, Applicants have amended independent Claim 64 to recite that, among other recitations, each fork leg defines a hollow interior and that the cavity is separated from the hollow interior of the fork leg by a wall. Such a construction is not disclosed or suggested by the Bezin reference. Accordingly, Applicants respectfully submit that Claim 64 is allowable over the Bezin reference.

Claims 65, 70 and 71 depend from allowable Claim 64 and are allowable on their own merit as well. Accordingly, reconsideration and allowance of Claims 65, 70 and 71 is respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Curtiss C. Dosier (949) 721-7613 (direct line), to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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